



PATENT

Customer No. 22,852

Attorney Docket No. 08702.0086-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Manas Kumar Majumdar et al. ) Group Art Unit: 1632  
Application No.: 10/078,808 ) Examiner: TBA  
Filed: February 19, 2002 )  
For: CHONDROGENIC POTENTIAL )  
OF HUMAN BONE MARROW- )  
DERIVED CD 105<sup>+</sup> CELLS BY )  
BMP  
Commissioner for Patents )  
Washington, DC 20231 )

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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449 cited in the International Search Report. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, including any copending patent applications, are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

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documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: October 31, 2002

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